

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7042

BILL NUMBER: SB 291

NOTE PREPARED: Jan 4, 2010

BILL AMENDED:

SUBJECT: Sex or Violent Offender Tracking Program.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill creates the Public Safety Technology Fund to purchase, operate, and maintain a qualified sex or violent offender tracking program. The bill establishes a \$1 Probation Technology Fee to fund the Public Safety Technology Fund, and provides that the Attorney General shall administer the fund.

Effective Date: July 1, 2010.

Explanation of State Expenditures: This bill creates the Public Safety Technology Fund and will increase the workload of the Attorney General, Auditor of State, and the Treasurer of State to administer the fund, process payments from county treasurers for the fund, and invest money in the fund, respectively. Expenses of administering the fund are to be paid for by money in the fund. Increases in workload are expected to be minimal.

Explanation of State Revenues: *Summary:* The maximum estimated amount of revenue the fund may collect is \$195,700 per year.

Of this amount, under the requirements of the bill, the minimum estimated amount of revenue that will be collected for the fund is \$52,700 per year from felony convictions. The maximum expected revenue collected from misdemeanor cases is \$143,000.

Additional Information: The bill both (1) requires a court to order individuals convicted of felonies and (2) allows a court to order individuals convicted of misdemeanors, to pay a \$1 probation technology fee to either the probation department or clerk. This funding is to be deposited into the Public Safety Technology Fund, also established by the bill. Money in the Fund is nonreverting and is continually appropriated for purposes of the fund.

In 2008, approximately 23.6% of the cases disposed were by failure to appear, failure to pay, or dismissal and would therefore not be subject to conviction fees. Additionally, approximately 13.2% of the cases disposed in 2008 were by bench disposal, jury trial, or bench trial, of which some individuals may have been found not guilty and not subject to conviction fees. The percent of individuals who are found innocent by bench disposal, jury trial, or bench trial are unknown, but are likely a very small proportion.

According to the Division of State Court Administration, during 2008, there were approximately 69,000 disposed felony cases (including murder and other criminal felonies) and approximately 187,000 disposed misdemeanor cases at the state and local level. Using this information, it was estimated that approximately 52,700 felony disposals and 143,000 misdemeanor disposals would be subject to conviction fees and, subsequently, the \$1 probation technology fee.

Under the requirements of the bill, the estimated 52,700 disposed felony cases would be required to pay the \$1 fee, generating at least \$52,700 of revenue for the Public Safety Technology Fund. However, because courts are *allowed* to charge individuals convicted of misdemeanor offenses with the \$1 probation technology fee, revenue collected from misdemeanor convictions may be less than the number of misdemeanor convictions in the state. The maximum expected revenue collected from 143,000 disposed misdemeanor cases is \$143,000. The annual maximum expected revenue to be deposited into the Public Safety Technology Fund is approximately \$195,700.

Explanation of Local Expenditures: Under the bill, there would be additional revenue that would be forwarded by the county treasurer (or other local fiscal officer) to the Auditor of State for deposit into the Public Safety Technology Fund. Increases in workload will result, but are expected to be minimal.

Explanation of Local Revenues:

State Agencies Affected: Attorney General; Auditor of State; Treasurer of State.

Local Agencies Affected: Local courts.

Information Sources: *Indiana Judicial Year in Review Report.*

Fiscal Analyst: Bill Brumbach, 232-9559.